

Fresno, California

March 21, 2000

The City Council met as the Redevelopment Agency at the hour of 8:41 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Dan Fitzpatrick, Agency Executive Director
Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF FEBRUARY 29, 2000

On motion of Member Bredefeld, seconded by Member Mathys, duly carried, RESOLVED, the Agency minutes of February 29, 2000, approved as submitted.

(“A”) CONSIDER CONCEPTUAL MASTER PLAN FROM GUNNER & ANDROS INVESTMENTS TO DEVELOP 9.72 ACRES (SUBAREA 1 OF VENTURA/FREEWAY 41 STUDY AREA) FOR MIXED-USE COMMERCIAL DEVELOPMENTS AND PROCEED WITH REFINEMENT OF PROJECT FOR AGENCY REVIEW AND APPROVAL (AGENCY ACTION)

Redevelopment Administrator Murphey gave a brief introduction of the issue.

George Andros, 555 W. Shaw, stated they were proud of the project and it was going to become a reality. Dennis Fry, Gunner & Andros, introduced their project team members in attendance. David Martin, Design Partner, AC Martin Architectural firm, stated they were happy to be on the team with Gunner & Andros and introduced Richard Thompson. Richard Thompson, Principal and Director of Planning, AC Martin, gave a slide presentation of the project including the site, redevelopment objectives, site context and analysis, overall master plan principals, and tax assessed values. Chair Ronquillo commented on the project stating this was a fabulous project.

Extensive discussion ensued with Mr. Fry and Agency Director Fitzpatrick responding to questions and concerns of Members Mathys, Perea, Steitz and Quintero relative to lease with Caltrans, if letters of intent had been received, type of commitments needed to move forward, what was necessary other than the City assembling land, partnering with the City, parking, relocation of businesses, timeframe for construction to begin, State funding for a

Caltrans facility, timeline to build that facility, importance of the Armenian Cultural Center and willingness of investors to put money up front to commence construction within the next year, need to secure a major tenant to kick off the first phase, costs to the City for the project, funding source, timeline and cost for an EIR, parking not included in Phase I, need for Project Review Committee, HCDC and PAC's input in making decisions for downtown, timeline for review of the EIR and conceptual plan, timeline for construction if all goes well, historical buildings in the area between M & O Streets, property owner opposition, disposition of Fire Department headquarters, and shared parking. Chair Ronquillo commented briefly on the need to educate people and form partnerships for projects such as this to move the City forward.

(2 - 0) Barbara Hunt, 944 "F" Street, spoke to the issue.

On motion of Chair Ronquillo, seconded by Member Bredefeld, duly carried, RESOLVED, the staff report accepted and Agency staff directed to proceed with the processing of the Gunner & Andros project in accordance with the schedule in the Processing Agreement Outline, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

REMINDER TO STAFF TO SCHEDULE MEETING RELATIVE TO PLACEMENT OF GOVERNMENT BUILDINGS/FACILITIES DOWNTOWN AND DIRECT STAFF TO SET THE ISSUE IN TWO WEEKS - MEMBER PEREA

Reminder and direction made.

REQUEST FOR STATUS ON REPORT BACK RELATIVE TO REHABILITATION OF THE OLD EXHIBIT HALL AND CONSTRUCTION OF NEW PARKING STRUCTURE - MEMBER PEREA

Director Fitzpatrick stated the matter would be brought back in a joint meeting in two weeks.

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The Agency adjourned at 9:32 a.m. and the City Council convened in regular session at 9:34 a.m.

PROCLAMATION OF STEVE LOFORTI AND JEFF JACOBSON DAY - PRESIDENT BOYAJIAN

PROCLAMATION OF ALVIN P. SOLIS DAY - CITY COUNCIL

PROCLAMATION OF RED CROSS MONTH

PROCLAMATION OF BIG FRESNO FAIR DAY

The above proclamations were read and presented.

PROCLAMATION OF DEMOLAY WEEK

Laid over one week.

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APPROVE CITY COUNCIL MINUTES OF MARCH 14, 2000

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the minutes of March 14, 2000, approved, *as amended*, on Page 135-111, **Item 5B**, indicating Councilmember Steitz making the second to the motion (instead of Councilmember Perea) and voting “Aye”; and on Page 135-116, showing Councilmember Steitz voting “No” along with Councilmember Mathys on **Item 3C**.

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REQUEST FOR STATUS ON PRIOR COUNCIL ITEM REQUESTING DEVELOPMENT DEPARTMENT MEET WITH PARKS AND RECREATION, TREE FRESNO AND LOCAL 39 RELATIVE TO LANDSCAPING SERVICES AND REVIEW OF EXISTING ORDINANCE - COUNCILMEMBER QUINTERO

Request made with City Manager responding and stating a meeting would be set to discuss the issue.

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APPROVE AGENDA:

On motion of Councilmember Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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COMMENDATION TO THE SMITTCAMP FAMILY FOR THE ALUMNI HOUSE AT CALIFORNIA STATE UNIVERSITY, FRESNO - COUNCILMEMBER RONQUILLO

Acknowledgment and commendation made. Councilmember Perea briefly left the meeting at 9:59 a.m.

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ADOPT CONSENT CALENDAR:

(1A-1) AWARD A CONTRACT TO HAAKER EQUIPMENT CO. IN THE AMOUNT OF \$396,298.23 FOR THE PURCHASE OF THREE NEW, CLASS 7 TRUCK MOUNTED BROOM-TYPE STREET SWEEPERS

(1A-2) RESOLUTION NO. 2000-83 - INTENT TO AUTHORIZE THE ISSUANCE OF SEWER SYSTEM REVENUE BONDS FOR THE PURPOSE OF PURCHASING OUTSTANDING SEWER SYSTEM REVENUE BONDS, RETAINING CERTAIN FIRMS IN CONNECTION THEREWITH, AND AUTHORIZING CITY OFFICIALS TO TAKE NECESSARY ACTIONS AND PREPARE DOCUMENTS RELATING THERETO

(1A-3) RESOLUTION NO. 2000-84 - APPROVING THE SUMMARY VACATION OF A PORTION OF LORENA AVENUE WEST OF WALNUT AVENUE

(1A-4) RESOLUTION NO. 2000-85 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR A PIPELINE EASEMENT TO CONVEY IRRIGATION WATER FOR GROUNDWATER RECHARGE PURPOSES

(1A-5) * RESOLUTION NO. 2000-86 - 64TH AMENDMENT TO AAR 99-181 APPROPRIATING \$20,000 IN UNANTICIPATED REVENUE FROM THE SALE OF MILLING CHIPS FOR THE PURCHASE OF A CLEARING AND CLAMP RAKE FOR THE STREET MAINTENANCE DIVISION

(1A-6) * RESOLUTION NO. 2000-87 - 6TH AMENDMENT TO SALARY RESOLUTION NO. 99-175 AMENDING THE SALARY RANGE OF THE RECYCLING COORDINATOR AND MOVING IT TO A DIFFERENT BARGAINING UNIT; AMENDING VARIOUS PORTIONS OF THE SALARY RESOLUTION TO REFLECT MODIFICATIONS APPROVED IN THE MOU WITH CFPEA; EXTENDING CERTAIN BENEFITS NOW AVAILABLE TO REPRESENTED MANAGEMENT EMPLOYEES (CFPEA) TO NON-REPRESENTED MANAGEMENT EMPLOYEES; AND AMENDING THE PAY RATE FOR THE NON-REPRESENTED, MANAGEMENT CLASS OF CITY CLERK

a. * RESOLUTION NO. 2000-88 - ESTABLISHING COMPARISONS FOR THE PURPOSES OF ESTABLISHING RETIREMENT BENEFITS FOR DELETED CLASSES

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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(9:15 A.M.) APPEARANCE BY TED WILSON, CALIFORNIA VILLAGE HOMEOWNERS ASSOCIATION, TO REQUEST THE CITY TO REMOVE AND CEASE BILLING FOR WATER METER NO. 9408524 AND MAINTAIN SERVICE ON WATER METER NO. 9408525 CURRENTLY BEING USED BY THE COMPLEX

Mr. Wilson submitted written material, copies of which are on file in the office of the City Clerk, stated the problem was on-going and still unresolved, advised notice was received that their water was again going to be shut off and urged it not be, and requested Council's help.

Cathy Holmes, California Village resident, requested resolution and that the water not be shut off.

Administrative Services Director/Controller Souza responded to a letter dated March 10th from Mr. Wilson; City Manager Reid advised of meetings and discussions that had transpired; and Water Systems Manager McIntyre explained how the intertied system was set up and worked.

Noting Council could not take any action this date, Councilmember Steitz recommended staff report back on the matter and information submitted this date. Councilmember Mathys questioned who the property owners were and why water meters were being used (**3 - 0**), with Mr. Reid responding. Councilmember Mathys requested the water not be shut off before the issue comes back to Council.

Lengthy discussion ensued with Mr. Wilson, Ms. Homes, Mr. McIntyre, an unidentified representative of the Fire Department, Mr. Souza and Mr. Reid responding to Council questions relative to the Association's board, if their books were available for an audit, if one meter could be turned off as requested, if the water system was connected to a fire hydrant, ramification if one meter was turned off, and the outstanding bill. Councilmember Steitz left the meeting at 10:20 a.m.

Councilmember Perea concurred with Councilmember Steitz that a report from staff was in order. Mr. McIntyre stated this was an issue of credibility and recommended staff and Council aides would work with Mr. Jones and the association, visit the complex to further explain the system and issues, and report back on the outcome.

Brief discussion ensued with President Boyajian requesting a reprieve from turning the water off as noticed. Mr. Reid advised a payment plan had been offered and was not followed through, and stated staff would take into consideration Council's interest in the matter relative to granting another extension for the sake of the tenants. Councilmember Ronquillo stated his staff would be available to work with staff on the issue. By Council consensus, the matter was set for April 4th at 10:15 a.m., which was later changed to 10:30 a.m. to accommodate other scheduled matters that date.

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(9:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-34, REZONING APPLICATION NO. R-99-50 AND RELATED ENVIRONMENTAL ASSESSMENT NO. A-99-34/R-99-50, FILED BY ROGER PETERSON, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF N. SPALDING AND E. ALLUVIAL AVENUES
1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-99-34/R-99-50
2. RESOLUTION NO. 2000-89 - AMENDING THE WOODWARD PARK COMMUNITY PLAN
3. BILL NO. B-25 - ORDINANCE NO. 2000-26 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A/UGM TO R-P/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, **RESOLVED**, the finding of a Negative Declaration for E.A. No. A-99-34/R-99-50 dated 2/3/00, hereby approved; the above entitled Resolution No. 2000-89 adopted; and the above entitled Bill No. B-25 adopted as Ordinance No. 2000-26, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Steitz

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(9:45 A.M.) DECLARE ST. ANTHONY'S BREAD BASKET, INC. THE REGIONAL FOOD BANK FOR THE CITY AND COUNTY OF FRESNO - COUNCILMEMBER QUINTERO

Upon request of Councilmember Quintero, James Johnson, President and Founder, St. Anthony's Bread Basket, gave a presentation on what St. Anthony's was seeking, their purpose and activities, and requested Council support for the requested designation stating they were worthy of it. Councilmember Steitz returned at 10:35 a.m.

President Boyajian noted a letter from Von's stated St. Anthony's would continue to receive donations, stated he wanted to see both succeed, and questioned what the conflict was and what the designation would mean, with Mr. Johnson responding. Upon further question, City Attorney Montoy advised the City had no jurisdiction in the matter and recommended Council not inject the City into a private disagreement.

Councilmember Quintero stated a designation would only be an acknowledgment, questioned what the harm would be, and made a motion to declare St. Anthony's the Regional Food Bank for the City and County.

Sue Fensky, Executive Director of Community Food Bank, Second Harvest Food Bank affiliate for Fresno and Madera counties, concurred St. Anthony's had done a tremendous job, stated there were other ways to acknowledge them, and spoke in opposition to the designation stating it would be counter productive.

Mr. Johnson responded to questions of Councilmember Mathys relative to why the designation was needed, who was treating St. Anthony's unfairly, Second Harvest making a profit on donated food, exclusive agreements between grocers and organizations, and how the designation would prevent grocers from donating food.

Tim Buchanan, Community Food Bank Chairman, spoke in opposition to the requested designation, advised Mr. Johnson had a problem with Community Food Bank and Second Harvest, and stated the City should not be involved.

Upon call, Councilmember Quintero's motion to designate St. Anthony's as the Regional Food Bank died for lack of a second.

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(10:00 A.M.) HEARING ON FY 2000 WEED ABATEMENT PROGRAM AND TO ADOPT A RESOLUTION APPROVING THE PROGRAM AND DECLARING THAT DRY GRASS, WEEDS, TRASH AND DEBRIS ON CERTAIN PROPERTIES POSE A SIGNIFICANT HAZARD AND BLIGHTING INFLUENCE IN THE CITY OF FRESNO

1. RESOLUTION NO. 2000-90 - RELATING TO THE ABATEMENT OF WEEDS, RUBBISH AND OTHER FIRE HAZARDS FROM PRIVATE PROPERTY AND STREETS

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to adopt the resolution.

Speaking to the issue were: Barbara Hunt, 944 "F" Street; Beverly Robertson, 1345 N. Lafayette, who questioned if standards were different for the various Council districts (**4 - 0**); Wilson Robertson, who requested property owners be notified of any discrepancies before the City hired a contractor; and Gary Clifford, 1024 N. Vagedes, who expressed concerns with the process.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing

Discussion ensued with Councilmember Ronquillo commenting on the process and the need to hold property owners responsible, and with President Boyajian and Councilmember Quintero presenting questions relative to the notification process, the City contracting with or recommending contractors, and the City recommending weed abatement options, with HNR Director Quiring and City Manager Reid responding.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000-90 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(10:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-29, REZONING APPLICATION NO. R-99-44 AND RELATED ENVIRONMENTAL ASSESSMENT NO. A-99-29/R-99-44, FILED BY JAMES W. LOGAN ON BEHALF OF LINDA WILLIAMS, PROPERTY LOCATED ON THE NORTH SIDE OF W. MCKINLEY BETWEEN N. MARKS AND N. LAFAYETTE AVENUES

1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. A-99-29/R-99-44

2. RESOLUTION NO. 2000-91 - AMENDING THE FRESNO HIGH-ROEDING COMMUNITY PLAN

3. BILL NO. B-26 - ORDINANCE NO. 2000-27 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO C-,/UGM/CZ

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Councilmember Ronquillo stated his support for the project.

Planner Beedle and Jim Logan, representing the applicant, responded to questions of Councilmembers Perea, Bredefeld and Steitz relative to allowed uses, addressing school district concerns, making no guard dogs a condition of zoning, and impact of that condition. As the district representative, Councilmember Ronquillo read a statement for the record relative to the interim plans awaiting adoption within the General Plan and his expectation that all applications before the planning department would be considered and applied unless there was a compelling or overriding reason not to utilize them.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for E.A. No. A-99-29/R-99-44, issued on 2/7/00, hereby approved; the above entitled Resolution No. 2000-91 adopted; and the above entitled Bill No. B-26 adopted as Ordinance No. 2000-27, subject to the conditions of zoning as recommended by staff and the Planning Commission, *with the added condition of no guard dogs*, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(10:45 A.M.) DIRECT THE CITY ATTORNEY TO PROVIDE A LEGAL OPINION ON WHETHER, AS A CONDITION OF APPROVING FUTURE HOUSING DEVELOPMENTS, THE CITY MAY REQUIRE CONTRACTORS AND SUBCONTRACTORS HIRED BY THE DEVELOPERS, TO PAY WORKERS A WAGE THAT IS COMMENSURATE WITH WAGES PAID FOR SIMILAR WORK IN A GEOGRAPHICALLY DEFINED AREA - COUNCILMEMBER PEREA

Briefly reviewed by Councilmember Perea who stated at issue this date was giving the City Attorney the time needed to research the matter, noted if the report came back that this was something that could not be pursued that would be the end of the issue, but if it could be done he would then place an item on the agenda for further discussion adding he would also ask Clovis and County to do the same thing to allow for a level playing field, and made a motion to approve direction, which was seconded and acted upon after brief discussion.

Councilmember Steitz questioned the goal, stated the housing development industry was being singled out, and added what should be looked at was a city-wide minimum wage covering everyone as that's what was being proposed. Councilmember Mathys cautioned Council about dictating to private business and stated he would oppose that type of legislation.

Speaking in opposition to the motion/issue were: Jeff Harris, Building Industry Association; Charles Wensley, President, Builders Concrete; Terry Tuell, 2695 W. Ball, who presented written questions to Councilmember Perea and requested answers in writing; and Barbara Hunt, 944 "F" Street.

Councilmember Ronquillo spoke in opposition stating the City should not get involved in dictating to one area and this went beyond bounds. Councilmember Perea stated there was no way of knowing if this was legal without the City Attorney's opinion adding in order to conduct business information needed to be asked for. Councilmember Steitz expressed his opposition emphasizing legal or not it was one of the most anti-business/anti-job items he had ever seen and urged Council not allow the City Attorney to waste her time.

A motion of Councilmember Perea, seconded by Acting President Bredefeld, to direct the City Attorney to provide a legal opinion on whether, as a condition of approving future housing developments, the City may require contractors and subcontractors hired by the developers, to pay workers a wage that is commensurate with wages paid for similar work in a geographically defined area failed, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero
Noes	:	Mathys, Ronquillo, Steitz, Boyajian
Absent	:	None

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(10:55 A.M.) HEARING TO CONSIDER THE PRIME CONTRACTOR'S REQUEST, PURSUANT TO PUBLIC CONTRACT CODE SECTION 4107.6, TO SUBSTITUTE SUBCONTRACTORS BASED ON CLAIM OF INADVERTENT CLERICAL ERROR FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL CONCOURSE EXPANSION PROJECT

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Purchasing Manager Taggart reviewed the staff report as submitted and Soltek Pacific's claim of an inadvertent clerical error, and recommended Council deny their request.

(5 - 0) Jeff Boswell, Kimble, MacMichael & Upton, 5260 N. Palm #221, spoke in opposition to Soltek's request citing jurisdictional and procedural issues and reserved time to call on his witnesses if an evidentiary hearing is called.

Upon question of City Attorney Montoy, Ms. Taggart advised affidavits had been received from the prime contractor and from Western Bay, the intended subcontractor, and that no objections were received within the 6-working day timeframe.

Dave Golia, 3900 Harvey, San Diego, representing Soltek Pacific, spoke in support of the request stating at issue was whether Soltek was entitled to switch the listing of two subcontractors and elaborated, and requested no action be taken this date to allow the City Attorney to review all information and documents presented.

City Attorney Montoy advised just prior to the hearing she received declarations under penalty of perjury; noted the declarations were not submitted in a timely manner; advised the matter was turning into a judicatory type of hearing and stated she would like to review the entire record including documents submitted this date to properly advise Council, and requested the hearing be continued one week. A motion and second was made to continue the hearing one week. Mr. Boswell stated he wanted to preserve testimony of his witnesses.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the hearing to consider the prime contractor's request to substitute subcontractors based on claim of inadvertent clerical error for the FYI Terminal Concourse Expansion Project continued one week to March 28th at 10:30 a.m., by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	Ronquillo
Absent	:	None

Mr. Boswell presented questions to his witness, Mike Weber, relative to dates of phone calls and noticing, with Mr. Boswell clarifying notice had not been received from Soltek therefore Soltek failed to meet its burden and added declarations were filed untimely.

Mr. Golia clarified what the code required relative to noticing and advised he had a certified document from Thyssen Dover Elevators which he would submit.

Ms. Montoy admonished the parties, including the prime and sub-contractors, not to consult or confer with Council, and to submit any documents to her office by March 23rd and to the other party.

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(11:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 18 (PARCEL MAP NO. 99-05)

1. RESOLUTION - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION - CALLING SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION - DECLARING ELECTION RESULTS

4. * BILL NO. B- - ORDINANCE NO. 2000- - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2000-2001 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 18

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Acting President Bredefeld made a motion to deny the resolutions and ordinance, which motion was seconded by Councilmember Mathys.

Councilmember Steitz stated his opposition to the motion stating he did not want his district residents paying for the work. Upon question of City Manager Reid, City Design Engineer Kassabian stated the requested action was a condition of the tentative and final maps. Mr. Reid clarified if the motion passed, the project itself would not get completed in accordance with the existing map conditions and that there might be broader ramifications, whereupon Councilmember Mathys withdrew his second. Mr. Kassabian gave an overview of the issue and staff report as submitted.

Councilmember Steitz made a motion to adopt the resolutions and ordinance. Acting President Bredefeld stated his opposition, expressed concern that people were not getting the service, and noted City Hall had a private contractor who provided landscaping services yet homeowners were not allowed to have the service provided which was wrong and unfair and he would not continue to approve the CFD's, with Mr. Reid responding on the impacts if not approved and expanded on other options.

Councilmember Perea questioned if the hearing could be considered with Acting President Bredefeld's 4:30 item, whereupon the following action was taken:

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, **RESOLVED**, the hearing on CFD No. 2, Annexation No. 18, continued to the afternoon session in conjunction with the **4:30 P.M. Item**, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Boyajian
Noes	:	Mathys, Ronquillo, Steitz
Absent	:	None

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(11:10 A.M.) REQUEST CITY MANAGER TO PROVIDE COST ANALYSIS OF NEIGHBORHOOD CAPITAL IMPROVEMENT PROJECTS FOR FY 99 - ACTING PRESIDENT BREDEFELD

Councilmember Steitz made a motion to approve the above request. Acting President Bredefeld stated he placed the item on the agenda to allow interested parties to speak.

Speaking to the issue were: Ed O'Neill, 8645 N. Maple, representing the Construction Industry Force Account Council, who stated mayor City projects should be put out to competitive bidding and requested costs be segregated to show how much was spent on labor, materials, equipment and engineering; Chris Hickey, Project Manager, AG Construction, 1039 Hoblitt, Clovis, who stated information was being requested to determine the most cost effective method.

City Manager Reid stated the information being requested had been previously provided, advised the construction industry did not like the information they were getting, and stated the City was getting the best value for its taxpayers and elaborated.

Lengthy discussion ensued with Mr. O'Neill stating they could not tell if work was performed within budget nor not, and President Boyajian commented on lack of procedure for bid work and unreasonably high fees, with Mr. Reid responding **(6 - 0)**, and staff and Mr. Reid responded to questions of Mr. O'Neill and Mr. Hickey relative to cost numbers provided and possibly forming a liaison committee. There was no further discussion.

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LUNCH RECESS - 12:46 P.M. - 2:22 P.M.

(11:30 A.M.) RECEIVE UPDATE FROM CITY MANAGER'S OFFICE ON SENIOR CITIZENS' CENTER INCLUDING (1) DISCUSSION OF HUD'S CONDITIONAL COMMITMENT LETTER, AND (2) EXPLANATION AS TO WHY THE ESCROW HAS NOT CLOSED. PROVIDE DIRECTION TO STAFF ON RELEASE OF CITY FUNDS AND DIRECT STAFF TO IMPLEMENT COUNCIL DIRECTION AND TO ALLOW ESCROW TO CLOSE

Briefly reviewed by Councilmember Quintero who advised of meetings held, and upon request, City Manager Reid provided an update on what transpired at the latest meeting, what the status was, funding issues, and what was left to do. Councilmember Quintero stated the concern and urgency was Community Hospital had given FMAAA a 30 day timeline to make a decision on purchasing the site.

Mr. Rosati stated he was hoping for additional commitments from Council which could be reported back to Community Hospital, and requested the City pre-fund the \$1.5 million to be placed in escrow once HUD acts and funding for operational costs.

Mr. Reid advised of the procedure to bring back resolutions with conditional language relative HUD approval and one appropriating funds, adding staff would work diligently to get the resolutions on next week's agenda. Councilmember Perea stated he wanted the deal to close but he had a concern with giving Community \$1 million upfront adding as a sign of good faith Community should consider taking \$500,000 and explained. There was no further discussion.

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(2:30 P.M.) WORKSHOP REGARDING EXISTING MID-RISE/HIGH-RISE CORRIDOR - COUNCILMEMBER PEREA

Councilmember Perea noted an article in the paper talked about creating a new high rise landscape on Herndon and questioned what the issues were relative to the high rise policy and whether this would hurt downtown's ability to revitalize. Development Director Yovino reviewed the history and background of the current policy, and advised staff would be recommending during General Plan hearings that Council stay with the current policy. Acting President Bredefeld briefly left the meeting at 2:50 p.m.

Discussion ensued with Mr. Yovino responding to questions and comments of Councilmembers Perea and Ronquillo relative to buildings in the northern area not built in accord with the current policy, the policy being a long-term policy and taking time to work, and the importance of recognizing downtown as the conference center especially after the Save Mart arena is constructed. There was no further discussion.

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(5A) APPROVE APPOINTMENT OF ROBERT SEIGEL TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER RONQUILLO

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, Robert Seigel appointed to the Human Relations Commission, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

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(5B) * DIRECT INSTALLATION OF PAVEMENT UNDULATIONS (SPEED BUMPS) ON S. GEARHART BETWEEN TOWNSEND AND HAMILTON AVENUES, AND ON S. GEARHART BETWEEN HUNTINGTON AND WOODWARD AVENUE. FUNDING FOR INSTALLATIONS TO BE PROVIDED FROM DISTRICT 5'S INFRASTRUCTURE BUDGET - COUNCILMEMBER QUINTERO

A motion and second was made to approve direction. Acting President Bredefeld returned to the meeting at 2:55 p.m. City Manager Reid advised of the grand jury's study on speed bumps and questioned why the speed bumps were needed at the subject locations and why the warrant process was not being pursued. Brief comments ensued.

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried, RESOLVED, staff directed to install pavement undulations (speed bumps) on S. Gearhart between Townsend and Hamilton Avenues, and on S. Gearhart between Huntington Blvd. and Woodward Avenue, and funding for the installations to be provided from District 5's infrastructure budget, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Steitz
Absent	:	None

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(5C) DIRECT THE CITY MANAGER AND CITY ATTORNEY TO PREPARE NECESSARY DOCUMENTS TO AMEND THE FRESNO MUNICIPAL CODE TO LOWER THE MINIMUM CAB/VEHICLE REQUIREMENT FROM 3 TO 1 FOR A TAXICAB - COUNCILMEMBER MATHYS

Briefly reviewed by Councilmember Mathys (**7 - 0**) who requested support for staff to determine if lowering the vehicle requirement would be feasible. Councilmember Ronquillo briefly commented on the issue and Councilmember Mathys made a motion to approve direction, which was seconded and acted upon after discussion.

Upon question of Acting President Bredefeld, City Manager Reid and Deputy Controller Carlton advised why the current requirement was in place, what transpired when the issue was before Council in 1994, and how taxi service was an agent of the City of Fresno. Councilmember Perea stated he would hate to see people turning their one vehicle into a taxicab with Councilmember Mathys stating there would be tough regulations, noted his intent was to make it easier for those who wanted to open a business, and reiterated he only wanted staff to look into the issue.

City Attorney Montoy advised studies and surveys were undertaken when the issue was last before Council, noted regulations were in place for public convenience and necessity, and advised a company with one car would be rare. Upon request of Councilmember Ronquillo, Ms. Montoy stated she would make the staff report available to Council.

Acting President Bredefeld stated this would be a policy change as the issue had been heard before, requested the prior information be obtained before moving in the direction as proposed, and requested the motion-maker allow staff to return with the prior information and then bring the subject issue back. Councilmember Ronquillo withdrew his second to the original motion. Councilmember Mathys stated he wanted the prior information brought back along with a code amendment if Council supported that. Brief discussion ensued.

On motion of Councilmember Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, staff directed to report back with the prior staff report and studies, and prepare necessary documents to amend the Fresno Municipal Code to lower the minimum cab/vehicle requirement from 3 to 1 for a taxicab, by the following vote:

Ayes	:	Mathys, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Perea, Boyajian
Absent	:	None

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(5D) DIRECT STAFF TO PROVIDE A REPORT ON THE EXPENDITURE PLAN FOR CMAQ FUNDING AND OTHER TRANSPORTATION FUNDING - COUNCILMEMBER PEREA

Direction made.

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(3:00 P.M.) HEARING TO CONSIDER PROPOSED BIKE LANES PROJECTS: SHIELDS FROM WEBER TO CHESTNUT, CEDAR FROM SHIELDS TO ASHLAN, AND WEST FROM SHIELDS TO ASHLAN AVENUES (CONTINUE TO APRIL 4, 2000, AT 3:00 P.M.)

Continued as noted.

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(3:05 P.M.) ACTION AND DIRECTION REGARDING SOLID WASTE PROGRAM FOR ONCE-A-WEEK COLLECTION OF GARBAGE, GREEN WASTE AND RECYCLING TO BE SERVICED FROM THE ALLEY IN NEIGHBORHOODS WHO DESIRE TO HAVE THEIR SERVICE REMAIN IN THE ALLEY - COUNCILMEMBER QUINTERO

President Boyajian questioned why the matter was back so early as it had previously been continued six months, with Councilmember Quintero stating meetings between staff and residents had not taken place as previously directed and he wanted Council to reaffirm prior direction. City Manager Reid gave an overview and status on the issue and emphasized Council was supposed to wait for staff's report. Discussion ensued on a timeframe for a staff report, if direction could be given this date to continue alley pick ups, risk of not meeting State mandate and fines being imposed, and continuing the matter until staff reported back as directed.

Speaking to the issue and/or in support of alley pick-up were: Dallas Debatin, 109 N. Glenn; Donna and Jim Baxter, 3520 E. Platt; Jim Clark, 2016 N. Farris, who also requested preference not be given to certain areas; Marvin Baker, 2937 E. Huntington; Penny Raven, 3504 E. Huntington Blvd.; and Sue West, Huntington Blvd. resident.

Discussion ensued on legality to give staff direction this date to continue alley service for those who desired it, waiting until the end of the six months before taking action, obtaining a report from staff, intent of the proposed direction, **(8 - 0)** with Councilmember Quintero responding, if residents were agreeable to increased costs to retain alley service, other areas besides Huntington Blvd. that want alley service, staff's work and activities in the process, and extending the moratorium another six months if needed. Residents asked that they be involved in the process.

Councilmember Quintero directed staff to schedule on next week agenda the issue of extending the moratorium another six months if the required analysis has not been completed within the first six months. By Council consensus, the matter was set for March 28th at 10:00 a.m.

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(3:10 P.M.) WORKSHOP ON FARMLAND SECURITY ZONE PROGRAM

Councilmembers Mathys and Steitz left at 4:02 p.m. and were absent for the remainder of the meeting. Acting President Bredefeld left at 4:04 p.m. and returned later. Development Director Yovino reviewed the Farmland Security Zone Program and legislation, and advised staff had real concerns about the program and how it would be implemented and wanted more information from Fresno County on impacts.

Speaking in support of the program were: Greg Kirkpatrick, 1324 W. Center, Visalia, American Farmland Trust; and Shawn Stevenson, Fresno County Farm Bureau, 9010 Tollhouse Road, Clovis.

Discussion ensued with Mr. Kirkpatrick, City Manager Reid and Mr. Stevenson clarifying and responding to Council questions and/or concerns and clarifying issues. There was no further discussion. Acting President Bredefeld returned at 4:31 p.m.

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(3A) * BILL NO. B-20 - ORDINANCE NO. 2000-28 - AMENDING SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO DELETION OF MANDATORY RETIREMENT AGE PROCEDURE

(9 - 0) On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Bill No. B-20 adopted as Ordinance No. 2000-28, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Mathys, Steitz

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(3B) *BILL NO. B-21 - ORDINANCE NO. 2000-29 - AMENDING A SECTION OF THE FRESNO MUNICIPAL CODE RELATING TO WHO MAY FILE FOR EXAMINATIONS

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Bill No. B-21 adopted as Ordinance No. 2000-29, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Mathys, Steitz

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(3C) APPROVE ASSIGNMENT AND ASSUMPTION OF LICENSE AGREEMENT AND ADDENDUM WITH WEST COAST HOCKEY LEAGUE, LLC, FOR USING SELLAND ARENA FOR THE REMAINDER OF THE 1999-2000 HOCKEY SEASON TO CHANDAR SPORTS CALIFORNIA, LLC, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the assignment and assumption of the license agreement and subsequent addendum to same with the West Cost Hockey League, LLC, for using Selland Arena facilities for the remainder of the 1999-2000 hockey season hereby approved; the City Manager authorized to execute the approved consent agreement on behalf of the City; and Chandar Sports California, LLC, to immediately commence negotiations of the terms of next season's license agreement with the Convention Center Director, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Mathys, Steitz

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(4:30 P.M.) REQUEST THE CITY MANAGER TO PREPARE AGREEMENTS AS REQUESTED BY RESIDENTS TO ALLOW FOR QUALIFIED RESIDENTIAL ASSOCIATIONS TO INDIVIDUALLY PROVIDE LANDSCAPING SERVICE USING TAX ASSESSMENTS - ACTING PRESIDENT BREDEFELD

Acting President Bredefeld briefly reviewed the issue stating residents felt they were not getting the service they were paying for; stressed it was not the fault of city staff but was due to continued new developments in the north without building up Parks staff and giving them resources necessary to provide the services; and referenced his memo to Council with options stating he felt the most viable option was contracting the service out as City Hall currently does.

Speaking to the issue were: Alex Correa, representing City employees, who spoke in support of City employees doing the work and requested Council direct the City's administration to provide the necessary manpower and resources; Mr. R. Lastreto, 936 E. Green Acres, and Wanda Galt, 10226 N. Sinclair Circle, both in support of hiring private contractors; and Richard Poulter, city employee, 1266 N. Helm, support for employees and request for needed resources.

Extensive discussion ensued on public/private partnerships, impacts to the budget, layoffs, Council seriousness about increasing Parks and Recreation staff, utilizing volunteer labor and other innovations, getting something back to the homeowners' associations within 30 days, need for a majority vote of Council to move the issue forward, adequacy of revenues received for the service, fees collected, who would monitor private contractors, need to increase Parks staff, increased costs to homeowners associations, and potential City funding sources to increase staff/resources.

30 days and reiterated Council needed to get serious about increasing Parks staff. Mr. Reid clarified he would come back with policies relative to types of plantings that individuals wanted to do in their own areas, and relative to contracting out services to homeowner associations stated he wanted majority Council support to provide that kind of report. Noting two Councilmembers were absent, Acting President Bredefeld directed his item as outlined above be rescheduled in one week for a vote of a full Council, whereupon the matter was set for April 4th at 4:30 p.m.

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(11:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 18 (PARCEL MAP NO. 99-05)

1. RESOLUTION NO. 2000-92 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2000-93 - CALLING SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2000-94 - DECLARING ELECTION RESULTS

4. *BILL NO. B-27 - ORDINANCE NO. 2000-30 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2000-2001 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2/ANNEXATION NO. 18
(CONTINUED FROM EARLIER IN THE MEETING)

(10 - 0) President Boyajian announced the time had arrived to consider the issue and reopened the hearing. City Design Engineer Kassabian, City Manager Reid and Parks and Recreation Director Primavera responded to Council questions relative to fees collected, if there was an ability to increase fees, how fees were calculated for collection, and difference between CFDs and LLMDs. A motion and second was made to approve staff's recommendation. Brief discussion ensued.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2000-92, 2000-93 and 2000-94 hereby adopted, and the above entitled Bill No. B-27 adopted as Ordinance No. 2000-30, by the following vote:

Ayes	:	Perea, Quintero, Ronquillo, Boyajian
Noes	:	Bredefeld
Absent	:	Mathys, Steitz

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:32 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED this _____ day of _____ 2000.

ATTEST: _____

Tom Boyajian, Council President

Yolanda Salazar, Assistant City Clerk